IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**And**
**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 19435 of 2004**

Between:

1 S.Kadirappa, s/o.S.Chinna Laleppa,
R/o.Pandikunta village, Vajrakarur Mandal, Anantapur Dist.
2 N.Hemantha Raju, S/o.N.Kadirappa,
R/o.Pandikunta village, vajrakarur Mandal,
Anantapur Dist.

**..... PETITIONERS**

AND

1 The Secretary, Regional Transport Authority, Anantapur, Anantapur Dist.
2 The Motor vehicles Inspector, Anantapur, Anantapur Dist.
3 Station House Officer, Kalyandurgam P.S., Kalyankurgam, Anantapur Dist.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus, declaring the action of the respondents in seizing and detaining the petitioners' Tractor bearing Temporary Registration No.AP.02/TRJ.1l and Trailer bearing Registration No.AP.02/T.3778 which were seized pursuant to the vehicle check Report NO.295396 dated 9-10-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said Tractor along with the said Trailer to the petitioners, without insisting upon the

payment of difference of tax, forthwith.

**Counsel for the Petitioners: MR.M.GANGA RAO**

**Counsel for the Respondent Nos.1 to 3: GP FOR TRANSPORT**

**The Court, at the stage of admission, made the following:**

(Oral Order: Per: The Hon'ble Mr. Justice K.C. Bhanu)

Vide Check Report No. 295396 dated 09-10-2004, the vehicle – Tractor bearing Temporary Registration No. AP.02/TRJ.1 and Trailer bearing Registration No. A.P.02/T.3778 -- of the petitioners was seized by the 2nd respondent on the ground that at the time of check there was no permit. Admittedly, the 1st respondent is the competent authority to pass appropriate orders for grant of interim custody of the vehicle. No application has been filed before the 1st respondent. Therefore, the petitioners are directed to file an application before the 1st respondent for grant of interim custody of the vehicle and on filing such an application, appropriate orders have to be passed within three days from the date of filing such application.

With the above directions, the writ petition is disposed of at the stage of admission.

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K.C. BHANU, J

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B. SESHASAYANA REDDY,J

Dt. 19-10-2004

Pvks/*

To

1 The Secretary, Regional Transport Authority, Anantapur, Anantapur Dist.
2 The Motor vehicles Inspector, Anantapur, Anantapur Dist.
3 Station House Officer, Kalyandurgam P.S., Kalyankurgam, Anantapur Dist.

4.2CCs to the Government Pleader for Transport, A.P. High Court Buildings, Hyderabad (OUT).

5.2CD copies

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